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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

KETTLE RANGE CONSERVATION
GROUP,

Plaintiff,

v.

U.S. FOREST SERVICE, GLENN
CASAMASSA, Pacific Northwest
Regional Forester, U.S. Forest Service,
RODNEY SMOLDON, Forest
Supervisor, Colville National Forest,
TRAVIS FLETCHER, District Ranger,
Republic Ranger District, U.S. Forest
Service.

Defendants.

Case No. 2:21-cv-161

**PLAINTIFF'S STATEMENT RE
NEED FOR PRELIMINARY
INJUNCTIVE RELIEF**

1 At this time, Plaintiff is not seeking a preliminary injunction pending the
 2 Court's decision on cross-motions for summary judgment.¹

3 Counsel for the U.S. Forest Service ("Service") has represented that
 4 commercial timber harvest will not begin in the Sanpoil Project Area until August
 5 2023, at the earliest, leaving the Court with at least four more months to issue an
 6 opinion before challenged work begins in the Project Area. Meanwhile, the Service
 7 is continuing to implement the 2019 Colville National Forest Land Management
 8 Plan ("2019 Plan") through other logging projects, using the new Guideline for
 9 Large Tree Management (FW-GDL-VEG-03) to authorize the logging of trees over
 10 21" diameter at breast height ("DBH").² As a result, Plaintiff respectfully submits
 11 that it is critical for the Court to issue a timely order on the pending cross-motions
 12
 13

14 _____

15 ¹ In lieu of briefing on the need for a preliminary injunction, Plaintiff suggested the
 16 parties submit a joint statement memorializing these commitments and indicating
 17 their agreement that there is no present need for a preliminary injunction. The
 18 Service declined. *See* Exhibit A to Declaration of Claire Loebs Davis re Statement
 19 on Preliminary Injunction, at 1.

20 ² *See, e.g.*, Davis Declaration Ex. B, Environmental Assessment for Bulldog
 21 Restoration Project, at 7 (describing potential removal of trees up to 25" DBH);
 22 Davis Declaration Ex. C, Chewelah A to Z Stewardship Project Final Environmental
 Assessment, at 7 (describing several circumstances under which trees over 20" DBH
 may be removed through commercial treatments).

1 for summary judgment, to provide guidance to the Service and potential litigants
 2 about the legality of the challenged portion of the 2019 Plan before those projects
 3 proceed. However, Plaintiff believes it would be more appropriate to discuss the
 4 details of these logging projects through separate litigation, as necessary, rather than
 5 derailing the Court's review of the already voluminous record in this case with a
 6 discussion of new facts related to the threat of irreparable harm posed by other
 7 projects proceeding under the challenged guideline in the 2019 Plan.
 8

9 Because a preliminary injunction is not necessary at this time, Plaintiff will
 10 not reprise the extensive briefing on the merits the parties have already submitted in
 11 support of their cross-motions for summary judgment. Instead, Plaintiff respectfully
 12 requests that the Court enter an order memorializing the Service's representations
 13 regarding work on the Sanpoil Project, on which Plaintiff is relying in declining to
 14 seek a preliminary injunction now:
 15

- 16 • The only work that shall occur on the Sanpoil Project prior to August 2023 is
 17 road reconstruction and maintenance on existing system roads, which would
 18 likely be necessary even without the Sanpoil Project. *See* Davis Ex. A at 2.
 19
 20 • Commercial timber harvest in the Sanpoil Project Area will not begin until
 21 August 2023, at the earliest. *Id.*

22 Plaintiff also suggests that the Court direct the parties to file a status report by
 July 3, 2023, if the Court has not issued its final opinion by that time, so the Service

can update the Court on the Project schedule, and Plaintiff can advise the Court if there is a need for briefing on a preliminary injunction in light of that schedule.

Respectfully submitted,

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/s/ *Claire Loebs Davis*
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/EMF system, which will send notification of this filing to all counsel of record.

/s/ Claire Loebs Davis
Claire Loebs Davis